BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

MARY L. JACKSON	}
Claimant VS.	Docket No. 210 027
STATE OF KANSAS) Docket No. 210,027
Respondent AND	
STATE SELF INSURANCE FUND Insurance Carrier	}

ORDER

Claimant appeals from an Order entered by Administrative Law Judge Shannon S. Krysl on March 29, 1996. The Order denied claimant's request for temporary total disability and medical benefits on the grounds the claimant failed to establish her injury arose out of and in the course of her employment.

ISSUES

The Administrative Law Judge concluded that claimant's injury was not compensable because the injury occurred when claimant was going from work. The Administrative Law Judge also found claimant was not on respondent's premises at the time of the injury. Claimant challenges the finding that the injury was not on the respondent's premises.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the briefs submitted by the parties, the Appeals Board concludes the decision by the Administrative Law Judge should be affirmed.

The record establishes that claimant was injured when she slipped and fell while walking home from work. The fall occurred on property owned by Winfield Hospital but dedicated to the City of Winfield for use as a public road. Claimant was not on the roadway itself. She was next to the edge of the road and was within the City of Winfield right-of-way at the time she fell.

An injury which occurs going to or from work may be compensable if it occurs on the employer's premises. The term "premises" is defined in Thompson v. Law Offices of Alan

<u>Joseph</u>, 19 Kan. App. 2d 367, 869 P.2d 761, aff'd, 256 Kan. 36, 883 P.2d 768 (1994). The court there held:

"[W]e are ultimately guided by the previously cited Kansas authorities which indicate that Kansas narrowly construes the term 'premises' to be a place controlled by the employer or a place where an employee may reasonably be during the time he or she is doing what a person so employed may reasonably do during or while the employment is in progress." (*Id.* at 373, 374)

The Appeals Board finds the evidence does not establish that the location of claimant's accident was either: (1) controlled by the employer; or (2) a place where an employee would be during the period of her employment.

WHEREFORE, the preliminary Order of Administrative Law Judge Shannon S. Krysl dated March 29, 1996 should be, and the same is hereby, affirmed.

IT IS SO ORDERED.	
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Dated this ____ day of June 1996.

BOARD MEMBER

c: Jan L. Fisher, Topeka, Kansas Eric R. Yost, Wichita, Kansas Shannon S. Krysl, Administrative Law Judge Philip S. Harness, Director